



March 30, 2007

ENGROSSED HOUSE BILL No. 1429

DIGEST OF HB 1429 (Updated March 28, 2007 12:08 pm - DI 106)

Citations Affected: IC 12-15.

Synopsis: Attorney's fees in Medicaid lien collection cases. Increases the amount of attorney's fees required to be paid by the office of Medicaid policy and planning in Medicaid lien collection cases involving the recovery from an insurer or a person who injured a Medicaid recipient. Specifies that the increased attorney's fee provisions do not apply to certain liens placed on a Medicaid recipient's real property. Authorizes the office of Medicaid policy and planning to contract with an attorney to obtain or enforce certain liens placed on a Medicaid recipient's real property and caps attorney's fees in these cases.

Effective: July 1, 2007.

Ulmer, Kuzman

(SENATE SPONSOR — STEELE)

January 16, 2007, read first time and referred to Committee on Judiciary.
February 19, 2007, reported — Do Pass.
February 22, 2007, read second time, ordered engrossed.
February 23, 2007, engrossed.
February 26, 2007, read third time, passed. Yeas 65, nays 35.

SENATE ACTION

March 5, 2007, read first time and referred to Committee on Judiciary.
March 29, 2007, amended, reported favorably — Do Pass.

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EH 1429—LS 6020/DI 104+



March 30, 2007

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1429

A BILL FOR AN ACT to amend the Indiana Code concerning Medicaid.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 12-15-8-8 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. **(a) This section**
3 **does not apply to a lien on a Medicaid recipient's real property**
4 **under IC 12-15-8.5.**

5 **(b) This section applies only to a lien on a recovery under**
6 **section 1 or section 2 of this chapter.**

7 **(c) The office shall pay attorney's fees in the amount of one (1) of**
8 **the following:**

9 (1) ~~Seven and five-tenths~~ **Twenty-five** percent ~~(7.5%)~~ **(25%)** of
10 the office's recovery under the lien if the claim was collected
11 without initiating legal proceedings.

12 (2) ~~Ten~~ **Thirty-three and one-third** percent ~~(10%)~~ **(33 1/3%)** of
13 the office's recovery under the lien if the claim was collected by
14 initiating legal proceedings.

15 SECTION 2. IC 12-15-8.5-13 IS ADDED TO THE INDIANA
16 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
17 [EFFECTIVE JULY 1, 2007]: **Sec. 13. (a) The office may contract**

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- 1 with an attorney to obtain or enforce a lien under this chapter.
2 (b) If the office contracts with an attorney under this section, the
3 attorney's fees may not exceed:
4 (1) seven and five-tenths percent (7.5%) of the office's
5 recovery under the lien if the proceeding to obtain and
6 enforce the lien is not contested; or
7 (2) ten percent (10%) of the office's recovery under the lien if
8 the proceeding to obtain and enforce the lien is contested.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1429, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

LAWSON L, Chair

Committee Vote: yeas 8, nays 0.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred House Bill No. 1429, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 2, after "Sec. 8." insert **"(a) This section does not apply to a lien on a Medicaid recipient's real property under IC 12-15-8.5.**

(b) This section applies only to a lien on a recovery under section 1 or section 2 of this chapter.

(c)".

Page 1, after line 9, begin a new paragraph and insert:

"SECTION 2. IC 12-15-8.5-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 13. (a) The office may contract with an attorney to obtain or enforce a lien under this chapter.**

(b) If the office contracts with an attorney under this section, the attorney's fees may not exceed:

- (1) seven and five-tenths percent (7.5%) of the office's recovery under the lien if the proceeding to obtain and enforce the lien is not contested; or**
- (2) ten percent (10%) of the office's recovery under the lien if the proceeding to obtain and enforce the lien is contested."**

and when so amended that said bill do pass.

(Reference is to HB 1429 as printed February 20, 2007.)

BRAY, Chairperson

Committee Vote: Yeas 6, Nays 0.

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